

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROSA NEHMELMAN, for herself and on
behalf of similarly situated others,

Plaintiff,

v.

PENN NATIONAL GAMING, Inc.,
EMPRESS CASINO JOLIET

Defendants.

Case No. 11-cv-23

Magistrate Judge Finnegan
By Consent

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Plaintiffs, Nehmelman *et al.*, for themselves and on behalf of a class of similarly situated current and former employees of Penn National Gaming, Inc. and Empress Casino Joilet (“Defendant”), hereby moves this Court for Preliminary Approval of Class Action Settlement, and in support of this motion Plaintiffs states as follows:

1. On January 3, 2011, Plaintiff filed this action on behalf of herself and other similarly situated persons who were employed by Defendants as Dealers and Slot Representatives alleging violations of the Fair Labor Standards Act, 29 U.S.C. 201, *et seq.* (“FLSA”), the Illinois Minimum Wage Law, 820 ILCS 105/1, *et seq.* (“IMWL”), and the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.* (“IWPCA”).

2. On September 29, 2011, this Court conditionally certified a collective of all current and former Dealers and Slot Reps who worked at Defendant Hollywood Casino Joliet during the period beginning three years prior to the date of the Notice through the present.

3. The Parties reached the Settlement set forth in the Joint Agreement for Settlement, Release, and Dismissal (Attached as Attachment 1 to Plaintiff's Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement filed herewith).

4. For the reasons outlined in Plaintiff's memorandum, the Parties request that this Honorable Court Grant preliminary approval of the Class Action Settlement.

WHEREFORE, Nehmelman *et al.*, and others who have filed a consent to join in this case, individually, and on behalf of a class of similarly situated current and former employees of Penn National Gaming, Inc. and Empress Casino Joilet respectfully request the Court enter an Order that:

(1) Grants preliminary approval to the proposed Joint Agreement for Settlement, Release and Dismissal;

(2) Grants Plaintiffs leave to file the Amended Complaint for the purpose of effectuating settlement of disputed claims under the Illinois Wage Payment and Collections Act;

(3) Certifies the proposed Opt-In Settlement Class;

(4) Certifies the proposed Opt-Out Settlement Class;

(5) Appoints Maduff & Maduff, LLC as Class Counsel;

(6) Appoints Plaintiff Rosa Nehmelman as Class Representative;

(7) Approves the proposed notice program including the proposed Notice and Requests for Exclusions and Objections;

(8) Approves Interfaith Worker Justice as an appropriate charity to receive the *cy pres* fund; and

(9) Sets a date for the Fairness Hearing on November 1, 2012 at 9:30 a.m.

Respectfully Submitted,
Nehmelman, *et. al.*.

By: /s/ Aaron B. Maduff
One of their attorneys

Aaron B. Maduff
IL Atty. No. 6226932
Walker R. Lawrence
IL Atty. No. 6296405
Maduff & Maduff, LLC
Attorneys at Law
Michigan Plaza At Illinois Center
205 N. Michigan Ave
Suite 2050
Phone: 312.276-9000